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**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF TEXAS**

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SHEROD HUTCHERSON,

§

Plaintiff,

§

*versus*

§ CIVIL ACTION NO. 1:18-CV-235

UNITED STATES OF AMERICA,

§

Defendant.

§

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Sherod Hutcherson, a prisoner confined at the United States Penitentiary in Beaumont, Texas, proceeding *pro se*, brought this civil action pursuant to the Federal Tort Claims Act.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends dismissing the action without prejudice pursuant to Federal Rule of Civil Procedure 41(b).

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

## ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge (#8) is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Plano, Texas, this 17th day of September, 2018.



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE